

REMARKS

In the Office Action mailed April 29, 2002, the examiner (i) rejected claims 1-2, 9-10, 20, 22-23, 26-30, 36-38, 41-43, 45, 47, and 51-53 as anticipated by Kelly under 35 U.S.C. § 102(e), (ii) rejected claims 3-7, 24-25 and 31-34 under 35 U.S.C. § 103(a) as obvious over Kelly in view of Giordano, III; (iii) rejected claims 8 and 35 as obvious over Kelly in view of Giordano and further in view of Oran; (iv) rejected claims 11-16, 18-19, 39-40, and 44 as obvious over Kelly in view of Oran; and (v) rejected claims 21 and 46 as obvious over Kelly in view of Marino. Claim 54-57 are allowed.

Applicants have reviewed the Examiner's remarks and the cited references and respectfully submit that the cited references fail to teach or suggest all of the elements of Applicant's presently claimed invention. Nevertheless, Applicants have amended the claims to clarify the a subject matter that Applicants' regard as their invention. Now pending are claims 1-3, 6, 14-16, 18, 20-25, 41-47, and 51-57.

Applicants respectfully traverse the rejections and request favorable reconsideration in view of the following remarks.

Claim Rejections – 35 U.S.C. § 102(e)

The pending independent claims are claims 1, 20, 24, 25, 41, 47, 51, 52, and 53. All of the independent claims except for claims 24 and 25 have been rejected as anticipated by Kelly.

Rejections under 35 U.S.C. §102(e)

The Examiner rejected claims 1, 20, 41, 47, 51, 52, and 53 under 35 U.S.C. § 102(e) as being anticipated by Kelly, U.S. Patent Number 5,999,965 (hereinafter Kelly). Independent claim 1, 20, 41, 51, and 53 have been amended to reflect that the commercial messages are communicated and displayed before the completion of the telephone call. Regardless of this amendment, Kelly still does not anticipate independent claims 1, 20, 41, 47, 51, 52, and 53.

1 Kelly discloses an Automatic Call Distribution (ACD) server 400 that
2 connects to a packet-switched data network 440. The ACD server 400 goes
3 online after exchanging ONLINE packets with the connection server 410. Kelly
4 also discloses that the caller process 520 transmits a CONNECTREQ package to
5 the connection server 510 that subsequently transmits a CONNECTACK packet
6 back to the caller process 520. After the ACD server and caller process are
7 connected to the connection server, the caller process can initiate a call to an
8 agent 530 serviced by the ACD server.

9 With respect to Examiner's rejections, the Examiner argued of the Office
10 Action that the ACD server is a commercial message server. April 29 Office
11 Action, pg. 2, ¶ 3. Applicants respectfully submit that Kelly does not disclose "a
12 network telephony connection server being operable to ... communicate at least
13 one commercial message request with the commercial message server" as
14 recited in independent claims 1, 20, 41, 47, 51, 52, and 53.

15 Kelly discloses the transmission of the following packets between the ACD
16 server and the Connection Server: 1) ONLINE packets, 2) ONLINEACK packets,
17 3) USERINFO packets, 4) USERINFOACK packets, 5) CALLEROK packets, 6)
18 CALLERACK packets, and 7) "necessary packets and required information from
19 agent Webphone are reflected or routed to connection server by ACD server
20 thereby enabling ACD server to perform call tracking and statistics collection, as
21 required." (Kelly, Figure 4 – transmissions 1-8, Col. 14 line 63 through Col. 15
22 line 25, Figure 5 – transmissions 5-6, Col. 16 lines 9-20, Col. 11 lines 30-34).
23 None of the disclosed messages are commercial request messages. Moreover,
24 no distortion of the meaning of any of the words used in the passages above
25 would provide any credible interpretation that would even approximate
26 commercial message requests.

27 Kelly also discloses "while a caller process 520 is in queue, ACD server
28 500 enables the caller process keypad and may transmit periodic audio
29 messages such as "Please wait for next available agent or press 1 to request a
30 callback," and/or other information such as music, advertisements, stock quotes,

1 etc." (Kelly, Col. 16 lines 25-29). In this passage, Kelly discloses: 1) a message
2 to request a callback, not a commercial message request, and 2) that the ACD
3 server may transmit advertisements periodically, not as a result of a commercial
4 request message. Moreover, the pressing of the '1' key by the user is not a
5 commercial message request. It is a request made by the user to request a
6 callback. It is not a commercial message request that may be made by the
7 network telephony connection server to communicate advertisements to the
8 users.

9 Claims 1, 20, 41, 47, 51, 52, and 53 are not anticipated by Kelly and
10 neither are the dependent claims that depend from them. Favorable
11 reconsideration is requested.

12 **Summary**

13 Applicants respectfully submit that, in view of the remarks above, the
14 present application, including claims 1-3, 6, 14-16, 18, 20-25, 41-47, and 51-57,
15 is now in condition for allowance and solicit action to that end.

16 If there are any matters that may be resolved or clarified through a
17 telephone interview, the Examiner is respectfully requested to contact Applicants'
18 undersigned representative.

Respectfully submitted,
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Appendix

Pending claims

1 1. (Amended) A system for providing advertising on a data network telephony
2 system comprising:
3 a data network to provide data connectivity for a plurality of
4 data communications channels using data transport protocols;
5 a commercial message server being operable to send at
6 least one commercial message;
7 a first and second data network telephone connected to the
8 data network, each data network telephone operable to
9 communicate voice signals as data packets on a voice over data
10 channel, the voice over data channel being one of the plurality of
11 data communications channels on the data network containing
12 packetized voice signals, the data network telephones {being
13 operable to convert data packets communicated on the voice over
14 data channel to voice} identified by a first and second user identifier
15 corresponding to the data network telephones;
16 a network telephony connection server being operable to
17 provide telephony service to the data network telephones and
18 communicate at least one commercial message request with the
19 commercial message server; and
20 the first data network telephone being operable to receive
21 the commercial messages before the first and second data network
22 telephones communicate voice signals on the voice over data
23 channel {while communicating voice signals as data packets}, the
24 first data network telephone further comprising a message display
25 device to display the commercial messages.

1 2. The system of Claim 1 wherein {:
2 at least a first and second user communicate on the voice
3 over data channel;
4 each user identified by a) each user identifier {that} includes
5 a unique sequence of alphanumeric elements.

1 3. The system of Claim 2 wherein the first data network telephone further
2 comprises at least one speed dial key operable to initiate a second voice over
3 data channel to a called party at a selected voice communications device when
4 the speed dial key is assigned to the called party's user identifier.

1 6. The system of Claim 3 wherein the data network telephone further
2 comprises a speed dial function to assign a selected user identifier to the at least
3 one speed dial key when the commercial message includes the selected user
4 identifier.

1 14. The system of Claim 1{13} wherein the network telephony connection
2 server further comprises:
3 an advertisement service to retrieve at least one commercial
4 message from the commercial message server and to
5 communicate the commercial messages in the response message.

1 15. The system of Claim 1{13} wherein the network telephony connection
2 server further comprises:
3 an advertisement service to send a connection information
4 message to the commercial message server; and
5 wherein the communication message server uses the
6 connection information message to initiate a selected data

7 communications channel and to send at least one of the
8 commercial messages to the first data network telephone over the
9 selected data communications channel.

1 16. The system of Claim 1{13} wherein the network telephony connection
2 server further comprises:
3 an advertisement service to retrieve at least one commercial
4 message from the commercial message server, the network
5 telephony connection server being operable to initiate a selected
6 data communications channel and to send the commercial
7 messages to the first data network telephone over the selected
8 communications channel.

1 18. The system of Claim 1{13} wherein:
2 the request message includes a callee user identifier; and
3 wherein the network telephony connection server determines
4 the telephone identifier for the callee identified in the callee user
5 identifier and includes the telephone identifier in the response
6 message.

1 19. The system of Claim 1{13} wherein:
2 the request message includes a callee user identifier; and
3 wherein the network telephony connection server determines
4 the telephone identifier for the callee identified in the callee user
5 identifier and sends the response message to the callee at the
6 telephone identifier.

1 20. (Twice Amended) A method for advertising on a telephony system, the
2 method comprising the steps of:
3 receiving a request to initiate a telephone call between a first
4 data network telephone to a second data network telephone over a
5 data network, the first and second data network telephones having
6 a display screen, the request containing a caller user identifier to
7 identify a user of the first data network telephone, and a callee user
8 identifier to identify a user of the second data network telephone;
9 communicating a commercial message request to a
10 commercial message server;
11 retrieving at least one commercial message from the
12 commercial message server;
13 sending the at least one commercial message to the first
14 data network telephone; and
15 receiving the at least one commercial message at the first
16 data network telephone before completing the telephone call
17 between the first data network telephone and the second data
18 network telephone {while the first data network telephone is
19 communicating voice signals as data packets}.

1 21. The method of Claim 20 further comprising the steps of:
2 sending the at least one commercial message to the second
3 data network telephone.

1 22. The method of Claim 20 further comprising, after the step of retrieving the
2 at least one commercial message, the step of:

3 inserting the commercial message in a response message,
4 wherein the step of sending the at least one commercial message
5 to the first data network telephone includes the step of:
6 sending the response message to the first data
7 network telephone.

1 23. The method of Claim 20 wherein the step of sending the at least one
2 commercial message to the first data network telephone includes the step of:
3 creating a data communications channel with the first data
4 network telephone and transmitting the at least one commercial
5 message to the first data network telephone on the data
6 communications channel.

1 24. A method for programming at least one speed dial key on a voice
2 communications device comprising the steps of:
3 receiving a commercial message having a speed dial key
4 program having a selected user identifier corresponding to a
5 selected voice communications device; and
6 assigning the selected user identifier to the speed dial key
7 such that the voice communications device initiates a voice over
8 data connection to the selected voice communications device
9 identified by the selected user identifier when the user presses the
10 speed dial key.

1 25. A method for programming at least one speed dial key on a voice
2 communications device comprising the steps of:

3 receiving a commercial message having a speed dial key
4 program having a selected user identifier corresponding to a
5 selected voice communications device;
6 displaying a speed dial button on the display screen, the
7 speed dial button operable to initiate a connection with a selected
8 voice communications device when pressed; and
9 assigning the selected user identifier to the speed dial button
10 such that the voice communications device initiates a voice over
11 data connection to the selected voice communications device
12 identified by the selected user identifier when the user presses the
13 speed dial button.

1 41. (Amended) A commercial message server comprising:

2 at least one commercial message for display on a voice
3 communications device;

4 a telephony connection server interface to receive
5 connection information from a telephony connection server, the
6 connection information comprising at least one user identifier for at
7 least one party to a telephone call, the at least one party using the
8 voice communications device to initiate the telephone call; and

9 the commercial message server being operable to send the
10 commercial message to the voice communications device in use by
11 the at least one party identified by the user identifier {while the at
12 least one party is} prior to communicating voice signals to {over} the
13 voice communications device.

1 42. The commercial message server of Claim 41 wherein the commercial
2 message server is operable to send the commercial message to the user

3 identifier by sending the commercial message to the telephony connection
4 server.

1 43. The commercial message server of Claim 41 further comprising a data
2 network interface to communicate the commercial message to the user identifier
3 using a data communications channel.

1 44. The commercial message server of Claim 43 wherein the data
2 communications channel uses the RTP protocol to transport the commercial
3 message.

1 45. The commercial message server of Claim 41 further comprising a
2 commercial message database to store the commercial message database.

1 46. The commercial message server of Claim 45 wherein the commercial
2 message database includes merchant account information to maintain
3 commercial messages and billing information for merchants.

1 47. A telephony connection server comprising:
2 a call management function operable to receive a request to
3 initiate a telephone call using at least one voice communications
4 device, and to send a response message in response to the
5 request message;
6 a network telephony user database to store a user identifier
7 for each of a plurality of users, wherein the user identifier includes a

8 first sequence of alphanumeric elements that identify a user of a
9 voice communications device; and
10 an advertisement service to retrieve at least one commercial
11 message from a commercial message server and to communicate
12 the commercial messages in the response message.

1 51. (Amended) A telephony connection server comprising:

2 a call management function operable to receive a request to
3 initiate a telephone call between at least two voice communications
4 devices, and to send a response message in response to the
5 request message;

6 a network telephony user database to store a user identifier
7 for each of a plurality of users, wherein the user identifier includes a
8 first sequence of alphanumeric elements that identify a user of a
9 voice communications device; and

10 an advertisement service to send a connection information
11 message having a user identifier that identifies at least one of the
12 parties to a commercial message server, wherein the commercial
13 message server uses the connection information message to send
14 a commercial message {in the response message} to the user
15 identifier prior to completion of the telephone call.

1 52. (Amended) A telephony connection server comprising:

2 a call management function operable to receive a request to
3 initiate a telephone call between at least two voice communications
4 devices, and to send a response message in response to the
5 request message;

6 a connection to a commercial message server to send at
7 least one commercial message in response to a request for a
8 commercial message;

9 a network telephony user database to store a user identifier
10 for each of a plurality of users, wherein the user identifier includes a
11 first sequence of alphanumeric elements that identify a user of the
12 voice communications device; and

13 an advertisement service to retrieve at least one commercial
14 message from the commercial message server, the network
15 telephony connection server being operable to initiate a selected
16 data communications channel and to send the commercial
17 messages in the response message to at least one of the voice
18 communications devices.

1 53. (Amended) A memory for storing commercial messages comprising:

2 a merchant record for identifying a merchant corresponding
3 to the commercial messages; and

4 a connection to a data network to transport the commercial
5 messages to a plurality of voice communications devices upon
6 receiving connection information for the voice communications
7 devices {while the plurality of voice communications devices are
8 communicating voice signals as data packets}.

1 54. A system for providing advertising on a data network telephony system
2 comprising:

3 a data network to provide data connectivity for a plurality of
4 data communications channels using data transport protocols;

5 a commercial message server connected to the data
6 network, the commercial message server being operable to send at
7 least one commercial message;

8 a first and second data network telephones connected to the
9 data network, each data network telephone operable to
10 communicate voice signals as data packets on a voice over data
11 channel, the voice over data channel being one of the plurality of
12 data communications channels on the data network containing
13 packetized voice signals, the data network telephones being
14 operable to convert data packets communicated on the voice over
15 data channel to voice;

16 the first data network telephone being operable to receive
17 the commercial messages, the first data network telephone further
18 comprising a message display device to display the commercial
19 messages;

20 a network telephony user database connected to the data
21 network to store a user identifier and a telephone identifier
22 corresponding to the user identifier for each of a plurality of users,
23 wherein the user identifier includes a first sequence of
24 alphanumeric elements that identify a corresponding user and the
25 telephone identifier includes a second unique sequence of
26 alphanumeric elements that identifies a corresponding data network
27 telephone; and

28 a network telephony connection server operable to receive a
29 request message from the first data network telephone to initiate
30 the voice over data channel with the second data network
31 telephone, and to send a response message in response to the
32 request message,

33 wherein the request and response messages are
34 communicated by the network telephony connection server in
35 accordance with a protocol selected from the group consisting of:
36 the Session Initiation Protocol (SIP), the H.323 protocol, the MGCP
37 protocol and the MEGACO protocol.

1 55. A telephony connection server comprising:

2 a call management function operable to receive a request to initiate
3 a telephone call using at least one voice communications device, and to
4 send a response message in response to the request message;

5 the call management function operates using a call management
6 protocol selected from the group of protocols consisting of: the Session
7 Initiation Protocol (SIP), the H.323 protocol, the MGCP protocol and the
8 MEGACO protocol;

9 a network telephony user database to store a user identifier for
10 each of a plurality of users, wherein the user identifier includes a first
11 sequence of alphanumeric elements that identify a user of a voice
12 communications device; and

13 an advertisement service to retrieve at least one commercial
14 message from a commercial message server and to communicate the
15 commercial messages in the response message.

1 56. The telephony connection server of Claim 55 wherein the commercial
2 message is communicated in a SIP response message.

1 57. The telephony connection server of Claim 55 wherein the telephony
2 connection server is operable to send the request to initiate the telephone call to
3 a callee party at a second voice communications device, and wherein:

4 the commercial message is communicated in the request to
5 initiate.